THE HON'BLE SRI JUSTICE P.S.NARAYANA

W.P.No. 16646 of 2006

DATED: 11-08-2006

Between:

Smt Rokka Rokala Achhamma.

..Petitioner.

and

The Election Officer, Chandaluru Gram Panchayat, Chandaluru, Darsi Mandal, Prakasham District, A.P. and others.

..Respondents.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

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ORDER:

Heard Sri Prattipati Venkateshwarlu, the counsel representing the petitioner, Sri V.V.Prabhakar Rao, the counsel representing R1 and R2 and Pulipati Radhika, the counsel representing R3.

2. This writ petition is filed for a writ of mandamus declaring the action of 1st respondent in declaring 3rd respondent as Sarpanch, Chandalur Gram Panchayat, Chandalur, Darsi Mandal, Prakasham District, without entertaining the application of the petitioner for recounting of the votes polled for the post of Sarpanch in the Gram Panchayat elections held on 02-08-2006 as illegal, arbitrary and unjust and consequently, direct the 1st and 2nd respondents to recount the votes polled for the said post and pass such other suitable orders.

3. It is stated that the petitioner belongs to Scheduled Caste and the elections to the Chandalur Gram Panchayat were notified to be held on 02-08-2006. It is stated that the petitioner and 3rd respondent had contested the elections. Several other factual

details also had been narrated. It is also stated that after completion of counting of votes, 1st respondent informed that the petitioner secured the majority votes and the agents came out and announced that the petitioner was duly elected and are celebrating the event of victory. After five minutes, 1st respondent called the petitioner and said that 3rd respondent got majority of 24 votes. Immediately, the petitioner requested for recounting of votes and questioned the first respondent how it could happen when once the petitioner was told that he got majority of 26 votes. It is stated that the application of the petitioner was not even received by the 1st respondent. Several other factual details also had been narrated.

4. It is needless to say that these are all factual aspects, which cannot be gone into by the Writ Court at this stage and the petitioner is having a remedy by way of election petition.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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P.S.NARAYANA,J

Dated:11-08-2006

sj